581 economic considerations. In more recent times, under the influence of Islam, Christianity, and also of the Soviet regime, it has become a more important factor.

583 The mixture of various traditions can be exemplified by the Circassian usages. It was customary for the suitor, with the help of his comrades, to abduct his bride from the house of her parents. Often the kalym had been agreed upon beforehand, but the family of the bride nevertheless put up a token of resistance against the abduction. In cases where the family was against the marriage, elopement was not uncommon. A night spent 582 by the girl with her abductor made her his lawful wife according to the Circassian adat; later, a marriage contract drawn up by the mullah gave the marriage its legal sanction; now, marriages are regulated by Soviet law.

In Dagestan, local endogamy is observed more or less strictly; in the rest of the N. Caucasus, and also among the Georgian mountaineers, exogamous rules prevail.

[587] Formerly, the levirate and stepmother-inheritance were widespread among the Caucasian mountaineers; there was also a strong insistance upon marrying within one's social rank.

585 Among all the Caucasian mountaineers observing exogamy, there existed a variety of avoidance rules. E. g., the bridegroom would hide during the wedding feast and afterwards only secretly visit his wife, who after

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This deficiency of female mates is certainly one of the main reasons for the infrequency of polygyny despite the great value placed on the institution.

The statistics given for Chechnia reveal a similar situation. And, according to Vertepov, the disproportion was especially great in Ingushetia, 115 men to every 100 women.[37] This is indeed striking because Grabovskij claimed, as we have seen, that plural marriages were "very frequent" in the last quarter of the nineteenth century.[38] "Many" Ingushi had two wives and sometimes three.[39] Even "poor" Ingushi had additional wives.[40] The frequent cases of polygyny in Ingushetia in spite of the unusual surplus of men can perhaps be explained by the strict obligation of the widow to marry her deceased husband's brother. According to Kovalevskij, the levirate among the Chechens was, practically speaking, an obligation, whereas among the Lesghians it was facultative *(infra*, pp. 71 f). Levirate would also explain why even "poor" Ingushi were polygynists; it would also explain why "many" Ingushi had more than one wife.

The sex ratio of the Lesghians, as presented in our statistics, differs somewhat from that of the rest of the Caucasians. Here, in Daghestan, we do have districts with a preponderance of female sex, but it must be noted, the difference is so small that the surplus women could hardly make polygyny a frequent practice. Thus the Avar, Andi, Gunib, Dargwa, Kazikumuk, Kurin and Samur provinces all have practically a 100:100 ratio. The Kaitago-Tabassaran Province has the highest proportion in favour of women, but the difference 100:105 is insignificant. Hence, the balance between the male and female population is a contributing factor to the infrequency of polygyny.[41]

But besides this biological reason there is the universally valid economic reason. Supposing that there were a surplus of women in the Caucasus, there would still be great financial difficulties that would prevent polygyny from becoming general. The poor Caucasian considers himself quite fortunate if he manages to gather enough jingling rubles or mooing cows to purchase one wife, let alone a second or a third.[42] In fact, even the rich Caucasian would find it difficult to purchase a second wife, because the bride price always corresponds to the economic and social position of the contracting parties. Ladyženskij expressly maintains that what keeps the Kabardian and the Cherkess in general

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[37] G. Vertepov, "Inguši," *Terskij Sbornik*, II (1892), No. 2, p. 99.

[38] Grabovskij, "Ekonomičeskij i domašnij byt žitelej gorskago učastka Ingulevskago okruga," SSKG, III (1870), p. 21. Dubrovin is of the same opinion: *Istorija*, Tome I, Bk. I, p. 430.

[39] Grabovskij, *l. c.*

[40] Grabovskij, *l. c.*

[41] In 1926 the sex ratio for Daghestan was practically a perfect balance, 100:103 in favor of the female sex (383,000 males to 405,000 females). F. Nansen, *Through the Caucasus to the Volga*, p. 96.
According to official statistics of 1930 there were more men than women living in the *cities* of Daghestan (1,000 men to 931 women); in the country the proportion was 1,000 men to 1,048 women. R. Kherumian, "Contribution à l'Anthropologie du Caucase," *L'Anthropologie*, LII (1948), No. 1—2, p. 44.
It seems to be quite natural that the city population should show a preponderance of male sex: a considerable portion of the city population are labourers and merchants from various parts of Caucasia, Russia, and Armenia.

[42] A. Ladyženskij, FT, p. 195.

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595 from polygyny is, above all, a shortage of rubles.[43] The same holds for the
593 Avars,[44] and, as we learn from Sveˇcin,[45] for the other Lesghians as well: the economic factor plays an important part in making polygyny relatively rare. Klaproth found the institution a veritable luxury in Ossetia, being only for the richest of the rich,[46] in full harmony with the Ossetine *adats* which reserve the right for the two richest classes, the princes and the *aldars*.[47] Grabovskij's [587] report[48] that even the *poor* Ingushi were polygamists we have partially explained by obligatory levirate, which was just as much obligatory for the rich as for the poor. Moreover social stratification (which generally coincides with wealth [565] and poverty) was practically non-existent during Grabovskij's visit in Ingushetia (*infra*, pp. 60 f); therefore, if polygyny is to be found among the Ingushi at all, it must be found also among the "poor" class.

[586] Easy divorce may do away with plural marriages as it did in Khevsuria and Svanetia, but in North Caucasia easy divorce plays only a very insignificant rôle compared with economic and biological factors.

§ 2. THE RULES OF ENDOGAMY AND EXOGAMY

000 Lowie defines exogamy as "the rule which prescribes that an individual must find a mate outside of his own group, whether that group be the family, the village or some other social unit."[49] The opposite rule "which makes it compulsory for a man to mate within his group is labeled endogamy." Lowie rightly stresses that it is not the *de facto* marriage within one's own group but the *prohibition* of marrying outside it that constitutes endogamy.[50]

1. The Impediment of Consanguinity

582 Consanguineous marriages are strictly prohibited throughout NORTH-
[614] WEST Caucasus. In his expedition of 1927 Ladyženskij ascertained that the reports of earlier writers about the abhorrence of incest among the tribes of Northwest Caucasia still exists today. Marriages between members of the same sib, regardless of the degree of remoteness, are considered incestuous.[51]

671 Among the NORTHEASTERN peoples the practice is not uniform. Ing-
582 ushian adats are by far stricter than Islamic law in regard to marriages between

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[43] *ibid.*

[44] L'vov, "Domašnjaja i semejnaja žizn Dagestanskich gorcev avarskago plemeni," SSKG, III (1870), p. 20.

[45] D. Sveˇcin, "Očerk narodonaselenija nravov, i obyčaev Dagestancev," ZKO, II (1853), p. 64.

[46] J. Klaproth, *Voyage au Mont Caucase et en Géorgie*, II, p. 249.

[47] *Leontovič, Adaty kavkazskich gorcev*, II, p. 12, § 10; p. 14, § 27; p. 16, § 40.

[48] "Ekonomičeskij i domašnij byt žitelej gorskago učastka inguševskago okruga," SSKG, III (1870), p. 21.

[49] R. Lowie, *Primitive Society*, p. 16.

[50] *op. cit.*, pp. 16 f.

[51] J. Reineggs, *Allgemeine historisch-topographische Beschreibung des Kaukasus*, II, p. 9; Ladyženskij, FT, p. 198.

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consisting merely in killing a wild animal (*e. g.*, the Yukaghir) or sometimes in killing a man (*e. g.*, the Yoruba of West Africa).[176] Taibout de Marigny[177] describes how a Cherkess maiden would ridicule her would-be lover with the taunt "Why you haven't even stolen a cow yet and you want to marry me." And Herodotus, speaking of the Sauromatians, the probable ancestors of the Ossetes, informs us that the virgins could not marry till they had killed at least one enemy, or according to Hippocrates, three.[178] The Ossetine poet, Kosta Chetagurov, describes a custom of the nineteenth century according to which the suitor would have to live with his future bride's family from two to four weeks, during which time he would have to convince them that he is a true gentleman, clever, and reliable, in a word, possessing all qualities expected of a good husband.[179]

4. Impediments of Physical and Mental Deficiency

In Circassia venereal diseases, insanity, and impotency impede marriage.[180] The extent of these and similar impediments have unfortunately not yet been investigated.

5. Impediment of Divorce and Widowhood

The incapacity of a divorcée to contract a second marriage is indeed a very rare impediment and is usually only temporary. We find such an impediment in Armenia and in Khevsuria, and of these two cases we shall speak at length when treating the Caucasian divorce laws. A refusal to enter upon a levirate marriage may entail such an impediment (*infra*, pp. 71 f). In parts of Caucasus where Islamic law prevails there is of course the temporary prohibition for widows and divorcées to marry before their "waiting period" (*'iddah*) is over. When a husband dies, the widow is obliged to wait at least four months and ten days before she may remarry (Koran, ii. 234). A divorcée may not remarry before she has had three menstruations (*ḳurû*); in the case of older women, the *'iddah* is set at three months.[181]

Although customary law does not prohibit second marriages, they are looked upon everywhere in the Caucasus as inferior. The bride-price is considerably smaller and the nuptials take place without the customary solemnities.[182]

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[176] Cf. Briffault for other examples, *The Mothers*, II, pp. 184 f.

[177] *Voyage en Circassie 1835*, p. 55.

[178] Baddeley, *op. cit.*, I, p. 13, *note* 1.

[179] N. F. Takoeva, "Kosta Chetagurov—narodnyj poet osetin etnograf-kavkazoved," SE, 1949, No. 2, p. 125.

[180] Ladyženskij, FT, p. 199.

[181] Koran, ii. 228; lxv. 4. Cf. Juynboll, *op. cit.*, p. 222.

[182] *Infra*, pp. 121, 131.
See also O. Karanailov, "Aul Coch," SMOMPK, IV (1884), No. 2, p. 16. Vasil'kov, "Očerk byta temirgoevcev," SMOMPK, XXIX (1901), No. 1, p. 102.

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Chapter III

Preferential Mating

§ 1. DESCRIPTION

Cross-cousin marriages, levirate and sororate are all preferential marriages. 582
By "preferential," however, we do not mean "optional." "Preferential" means "having a precedence" which may be optional or obligatory.

These three forms of preferential marriages are not the only forms known to man. There is, for example, another form, found in the Caucasus itself, the "step-mother marriages," and still others are possible.

The NORTHWEST CAUCASIANS. The *Cherkess* were still Christians 587
when Interiano wrote of them, "It sometimes happens that a native will kill his brother and then will immediately become the bedmate of the widow."[1] Olearius describes the levirate as practiced during the reign of King Alexander Michailovič (c. 1650).

According to Circassian *adats* levirate was obligatory at least for the widow. In the collection of customary laws of the Black Sea, Kuban and Terek Territories we learn that the widow was indeed obliged to marry the brother of her deceased husband, but only "if his brother so wished." If he insisted on taking her to wife, her only means of escape was to pledge herself for life to the care of her children, and thus to remain unmarried.[2]

The NORTHEASTERN CAUCASIAN. Count Potocki described the custom in his *Voyage dans les pays du Caucase* (1798) and adds the interesting remark that not only must the brother of the deceased man marry the widow but also a step-son must marry all his step-mothers. "After the death of the father," Potocki informs us, "his sons marry all his wives, except their own mother, whom one of the step-brothers marries. The Chechens reproach them for this infamous custom, but the Ingushi answer quite unconcernedly, 'My father was allowed to lie with my mother, why then may I not lie with his wife?'"[3] This "infamous custom" exists likewise among the neighbouring Daghestanians.[4] An *adat* dating from 1860 expressly states that in the Ingush Province "a widow was *bound* to marry her brother-in-law or another relative of the

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[1] Cited by R. Erckert, *Der Kaukasus*, p. 67.

[2] Leontovič, II, p. 254, § 171. The levirate is no longer obligatory (Dubrovin, *Istorija*, I, i, i, p. 170).

[3] Cited by Ladyženskij, FT, p. 186. See Potocki, *Voyage dans les steps d'Astrakhan et du Caucase*, II, p. 127.

[4] Cf. F. Nansen, *Through the Caucasus to the Volga*, p. 104.

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587 deceased."[5] The levirate among the mountaineers of Daghestan was completely optional.[6]

SOUTHERN CAUCASIANS. The only time a widow of Svanetia is free from the obligation of entering upon a levirate union, according to Bodenstedt,[7] Dubrovin[8] and others, is when she actually does not have a brother-in-law. Among the Khevsurs, on the contrary, levirate was optional.[9]

About ninety years ago the Russian Military Government tried to abolish the practice in OSSETIA, but with very little success. Widows continued to be automatically married to their husbands' brother or father.[10] If the widow refused to comply, she was driven out of the house and had to remain unmarried for the rest of her life.[11] In the first half of the nineteenth century not even the brother of the deceased person was free, even if he already had a wife.[12]

[587] According to Ossetine customary law the levirate was formerly regarded merely as a continuation of the first marriage, which was indissoluble. The children born of the new union belonged to the deceased; the children were even named after the deceased; they were rightful heirs of the deceased! If the widow did not have a father-in-law or brother-in-law she had to remain unmarried; she might, however, live in lawful concubinage and all children born would be considered legitimate and true sons and daughters of the departed.[13]

In spite of the express prohibition of obligatory levirate by Islamic law and in spite of the measures taken by the Russians, the levirate continued to be the general practice almost to our own times.[14] The difference between recent practice and that of old consists mainly in the binding force of the *adats*. Although the actual practice was perhaps at its height about fifty years ago, its binding force had begun to lose ground long before that time. Around 1890 Kovalevskij observed that the levirate was obligatory only for *near* relatives, otherwise such marriages were optional,[15] and today the binding force has disappeared completely.[16]

Finally, a word about a rare form of preferential mating, rare at least in the Caucasus, the sororate. Practically all reports on cases of sororate refer to the Ossetes. Kovalevskij implies that the practice is also in accord with Lesghian *adats*. Abercromby claims that "an Avar is permitted to marry his

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[5] Leontovič, II, p. 169, § 117.

[6] Kovalevskij, *Zakon* II, p. 175.

[7] F. Bodenstedt, *Die Völker des Kaukasus*, I, p. 282.

[8] Dubrovin, *Istorija*, I, ii, p. 109.

[9] Cf. Erisov, "O Tušino-Pšavo-Chevsurskom okruge," ZKO, III (1855), p. 113. Essad-Bey, *Der Kaukasus etc.*, p. 263.

[10] The inheritance of a deceased *son's* wife is not unknown even today (Byhan, *La civilisation caucasienne*, p. 226).

[11] Leontovič, II, p. 50, § 14. Sometimes she would be granted permission to remarry.

[12] Dubois de Montpéreux, *Voyage autour du Caucase*, IV, p. 449. Kovalevskij, *Coutume contemp.*, p. 180.

[13] Baron A. von Haxthausen, *Transkaukasia* (Leipzig, 1856), pp. 402 ff.

[14] Cf. Juynboll, *Handbuch des islamischen Gesetzes etc.*, p. 184. Baddeley, *op. cit.*, I, p. 271.

[15] *Coutume contemp.*

[16] Byhan, *op. cit.*,

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first cousin or two sisters."[17] The reports are usually not specific, leaving us in the dark as to whether the sororate in actual practice is simultaneous or successive. In Ossetia the greatest opponents of the custom were the "clergy."[18]

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§ 2. PROBLEMS REGARDING PREFERENTIAL MATING

Before we draw any conclusions from our data, a review of what we have said may be of advantage.

TABLE 9

Preferential Mating in Caucasia

	PEOPLES	Adats permit levirate	Levirate Obligatory for		Sororate	Step-mother inheritance	Daughter-in-law inheritance
			Widow	Brother-in-law			
North-Western	Abkhaz	+	+	−		+	
	Cherkess	+	−	−		+	
North-Eastern	Ingushi	+	+	−		+	
	Lesghians	+	−	−	+	+	
Southerners	Svans	+	+	−			
	Khevsurs	+	−	−			
Ossetes		+	+	+	+	+	+

(1) The levirate is genuinely Caucasian, found among all mountaineers regardless of the religion to which the tribe may belong.

(2) *Obligatory* levirate is no longer found in the Caucasus. Formerly according to Cherkess and Chechen custom the *widow* was obliged to marry her brother-in-law if he desired it; in Ossetia the levirate was obligatory for both sides. This comparison clearly shows that wherever the *šarî'a* has struck deep root the levirate is optional; wherever the *adats* have maintained their original importance the custom remains obligatory at least in regard to the widow. This is but another example of the struggle that is continually going on between Islamic and customary law.[19]

(3) Step-mother inheritance is common to all Northerners. The sororate seems to be very rare, while the scarcity of reports relating to daughter-in-law marriages would incline us to believe that such marriages are the least common of all.

[17] Abercromby, *op. cit.*, p. 97.

[18] Kovalevskij, *Coutume contemp.*, p. 211 f., basing his assertion on Perevalenko, "In the Defiles of Kullarsk," (Russian), *Kavkaz*, 1847. p. 46, and on Dubrovin.

[19] Cf. Kovalevskij, *Zakon*, II, p. 175.

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587 (4) We must disagree with Kovalevskij in his interpretation of the levirate as a vestige of former group marriage.[39] Without offering us any evidence, he takes up the theories of Morgan and Frazer and applies them to the Caucasus. Such an institution as "group marriage" exists nowhere in the world, and to imagine that it has ever existed is mere fancy. In an attempt to explain the origin of preferential mating in the Caucasus we should lay aside all guesswork [572] and study the culture before us. For example: the unbearably low position of the North Caucasian woman (*infra*, pp. 152—159) may have made her appear as inheritable chattel. After all, the family purchased her, paid a high price for her, and now she constitutes a part of the family property no less than do the horses, cows, and sheep. Moreover, as we have explained above (pp. 44 f), she is more than *ordinary* family property: she is the best family investment, for she is the "worker-producing" and especially the "boy-producing" organ on which depends the economic, religious, and social life of the family. This realization would only too naturally disincline the family to give her up after her husband's [591] death. As we shall see in the following chapter, mating is not a private affair; it is a strictly family affair, the prime purpose of marriage being the good of the family or sib. She, as it were, belongs more to the *family* that purchased her than to the individual member whose wife she is. Finally, if we consider the pre-Islamic, pre-Christian, and pre-Avestic religion of the mountaineers, we are almost forced to postulate such an institution as widow-inheritance. [775] The life beyond does not differ from the present, and consequently the departed will need his wife in the nether world just as much as in this life. (We shall have occasion to speak of posthumous marriages! Cf. *infra*, p. 85.) We shall even show that suttee was not unknown in North Caucasus (Cf. *infra*, [842] pp. 131 f). The wife therefore must remain in the family. Moreover, the deceased needs offspring, a large progeny, just as much after death as during life, for his happiness and honour in the other world depend upon the cult he receives from his descendents. The widow, therefore, must remain in the family and another member must "raise up seed for his brother" and "build up his brother's house." In other words, the levirate is not a survival of a *primitive* culture but rather an institution very intimately connected with the economic, social and religious life of a relatively highly developed culture such as that of pastoral peoples.

595 As a confirmation of what we have just now said about the origin of [842] Caucasian preferential mating, we wish to describe another institution, still found today in various parts of Caucasus, the so-called *snohačestvo*. A boy-child is married to an adult girl with whom the father may have sexual intercourse as freely as with his own wife. The father is considered as living in lawful concubinage with his son's wife and may do so until the child becomes of age. We wish to stress that this practice is a perfect parallel to widow inheritance. The father "must raise seed" for his son and "build up his house" till he is himself able to do so. The children born of this concubinage belong to the childhusband, sometimes half to him and half to the progenitor. This is

[39] Kovalevskij, *Coutume contemp.*, p. 181.

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583 other objects.[12] Although the amount is much more stable than in other parts of Caucasia, it does vary according to the presence or absence of virginal integrity and on the social class of the mates.[13]

In the eighteenth century the Nakhchuo paid up to 10 cows;[14] the Ingushi would have to pay as many as 30 cows.[15] In the 1860's the average *kalym* was about 18 cows (or if paid in money, Rs. 10 per cow).[16] In the twentieth century the *kalym* was so high that the Russian Military Government forced all young men to swear that they would never take or give more than Rs. 105 *kalym*, but, as Baddeley, who is averse to all exaggeration, assures us that "none kept the oath, and the amount was now greater than ever."[17] In 1920 the Ingushi of the Upper Uchaluk paid as much as one million Soviet rubles, 105 silver rubles, two horses, one cow and one ram as *kalym*.[18]

585 In the Ingush *adat* collection of the 1860's (§§ 119 f) we read that the relatives of the groom are obliged to offer the bride a gift of 25 silver rubles on the occasion of her betrothal, of which she becomes the full owner and administrator. On her wedding day she must also be given a guarantee amounting to 80 silver rubles in case of divorce or widowhood.[19] This *adat* is an innovation which owes its origin to Islamism and the Russian Military Government. Although at first it was received with very little favour (and even today we still can come across cases which may be classified under strict purchase), this new form of bride wealth gradually prevailed throughout Ingushetia and Chechnia.[20] In a word, the Chechen bride-price has for about a century at least been tending to evolve into a form of dowry, an evolution analgous to that found among the Abkhaz and Cherkess.

614 It is the obligation of the *taipan* (sib) to provide the necessary *kalym* for all male members, if necessary even by theft.[21]

The following table shows the average bride-price of about an hundred years ago.

TABLE 10

Average bride-price among the Chechens about A.D. 1850

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District	Amount		Source
	For maiden	For widow	
Nazran	12 cows	21 cows; sometimes only 12	Leontovič, II, p. 117, §§ 9 f.

[12] Cf. "Collection of *Adats* of the Black Sea Line, Kuban and Terek Territories" Leontovič, II, p. 253, § 161.
[13] Leontovič, II, p. 253, §§ 162—165.
[14] Potocki, *Voyage dans les steps d'Astrakhan et du Caucase*, II, p. 127.
[15] *ibid.*
[16] Grabovskij, "Ekonomičeskij i domašnij byt etc.," SSKG, III (1870), p. 20, *note*.
[17] *The Rugged Flanks of Caucasus*, I, pp. 207 f. See also Vertepov, "Inguši," *Terskij Sbornik*, II (1892), No. 2, p. 132.
[18] N. Jakovlev, *Ingaši*, p. 53, *note* 1
[19] Leontovič, II, p. 169, § 119.
[20] Jakovlev, *Inguši*, p. 53.
[21] Jakovlev, *op. cit.*, pp. 51, 53.

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By Purchase

District	Amount		Source
	For maiden	For widow	
Kists	18 cows	12 cows	Leontovič, II, p. 118, §§ 18 f.
Dzherakh *	30 cows	20 cows	Leontovič, II, p. 116, §§ 1 f.
Sunsha *	10 cows		Leontovič, II, p. 123, § 1.
Ingushi **	18 cows		Grabovskij, op. cit., p. 20.

* The adat collection actually speaks of rubles and not cows; the approximate value in cows is based on Grabovskij's estimate, *op. cit.*, p. 20.
** In 1864.

Before we pass on to the Lesghian group we wish to mention an interesting form of *kalym*, parallels to which can be found in various parts of the world.[22] We refer to the practice of marrying two deceased persons. Toward the end of the 18th century Potocki observed that "if one Ingush lost a son and another an unmarried daughter, the father of the deceased girl would approach the family of the deceased son and say, 'Your son most likely still doesn't have a wife; I'll give him my daughter, who passed away some time ago, provided that you give me so and so many cows as kalym.' In such a case the father of the dead boy will never refuse."[23] The *kalym* is in such cases generally lower than usual.[24]

When speaking of the Lesghians we must keep in mind that we are dealing with a group strongly influenced by Islamic law, much more so than the rest of the Caucasians. We must also remember that there are local and temporal variations to be taken into account. There are four distinct financial transactions connected with Lesghian marriages: (1) genuine bride purchase, (2) symbolic bride purchase, (3) gifts, (4) the *kebin*, a guarantee against divorce.

Many recent and older authors speak of a "very trivial bride price."[25] Abercromby, for example, reports that the *kalym* of the Avars was no more than two rubles and eighty kopeks.[26] Hahn claims to have found it as low as 25 kopeks.[27] Before Shamyl's time it was supposed to have been possible to "purchase" a wife for a trifle: at Ishal, for instance, for 36 quarts (12 *garncy*) of wheat; in Bahulal it was only one *sab* (about 20 pounds) of grain; in Untsukul it amounted to one ruble.[28] Despite the poverty of the mountaineers, the *kalym* is so insignificant that to classify it under "bride-price" would be incorrect. This is not a case of bride purchase at all, but rather a formality or symbol, which may be at most a *vestige* of actual marriage by purchase.

[22] For the custom among the Chinese see Vanicelli, *La Familia Cinese*, pp. 393—403; among the Germans of the Volga see E. G. Kagarov, "Venčanie pokojnikov u nemcev Povolž'ja," SE, 1936, No. 1, pp. 106 ff. O. Schrader, *Totenhochzeit*, 1904.
[23] Potocki, *op. cit.*, II, p. 127.
[24] B. Dalgat, "Die alte Religion der Tschetschenen," *Anthropos*, III (1908), p. 737.
[25] For instance, F. Nansen, *op. cit.*, p. 104; Byhan, *op. cit.*, p. 191; Kovalevskij, *Zakon*, II, p. 178.
[26] *op. cit.*, pp. 96, 101. The "bride-price" was therefore only 5 s. 10 d., less than $ 1.00.
[27] Hahn, "Putelestvie v Kachetiju i Dagestan," SMOMPK, XXXI (1902), p. 93.
[28] A. Runovskij, "Kodeks Šamilja," *Voennyj Sbornik*, XXIII (1862), No. 2, p. 347.

583 [562] We do not wish to say that bride price in the strict sense of the word does not exist in Daghestan at all. The unfavourable position of the female sex in Botlikh is rightly attributed by Rossikov and Erckert to the fact that she is still considered as purchased property, as chattel.[29] The *iol-puli* of the North Tabassaranians was anything but trivial.[30] In the "Adat Collection of the South Daghestanian Districts" we learn that it varied between Rs. 100 and Rs. 400, a maiden costing more than a widow.[31]

Even in localities where the *kalym* is so insignificant that it is actually only a symbol there are certain, and by no means trivial, expenses which must not be overlooked. First of all, there are not a few betrothal gifts (*infra*, pp. 102 f); then there are the relatively expensive marriage gifts, of which we shall speak below when describing the Lesghian wedding (*infra*, p. 119).

[586] There is, moreover, the so-called *kebin*, a guarantee against divorce. Just because it is the bride who benefits from the *kebin*, it cannot be considered as a bride-price. It is a security for the bride in case of divorce and is usually determined by mutual agreement, depending, of course, on the economic and social position of the contracting families. A widow of the *uzden* class, for example, never received more than a guarantee of Rs. 55.[32] In the province of Kazikumukh (Lak) and Dargwa the *kebin* usually consists of a piece of land having a value of Rs. 50 to Rs. 200.[33] Among the Kapuchians it consisted of money, about Rs. 10 to Rs. 20, while among the Tabassaranians up to Rs. 40. In the Avar Province the *adats* do not fix a definite amount, leaving it entirely to the two families concerned.[34] In North Tabassaran the guarantee was usually between Rs. 15 and Rs. 40 for a maiden and Rs. 5 to Rs. 20 for a widow.[35] The [177] *kebin* (*mahr*, *kebin-khak*, *magar* as we sometimes find it in Russian literature) evidently owes its origin to Mohammedanism.

The SOUTHERN CAUCASIANS. Eristov speaking of the Khevsurian custom of about one hundred years ago informs us that the bride received no dowry but that a price always was insisted upon.[36] Similarly, the Pshav would marry his daughter only if he first received a satisfactory price for her.[37] It is [587] worth noting that the Ingiloi (the Georgians of Sakataly) had to pay a higher kalym for widows than for virgins, Rs. 75 and Rs. 50 respectively.[38] The reason for this regulation seems to be that the widow being older is more liable to be divorced and has less chance of re-marrying than a young girl, and therefore needs a higher *kebin*.

[29] K. N. Rossikov, "Poězdka v Čečnju i Nagorny Dagestan," ZKO, XIII (1884), p. 248. R. Erckert, *Der Kaukasus*, p. 284.
[30] Kovalevskij, *Zakon*, II, p. 179.
[31] "Adaty Južno-Dagestanskich Obščestv," SSKG, VIII (1875), p. 32.
[32] Svěčin, "Očerk narodonaselenie, nravov i obyčaev Dagestancev," ZKO, II (1853), p. 64. For custom of the Avars see L'vov, "Domašnjaja i semejnaja žizn etc."
[33] Confirmed by Kovalevskij's own field work. See his *Zakon*, II, p. 179.
[34] *ibid.*
[35] "Adaty Južno-Dagestanskich Obščestv," SSKG, VIII (1875), p. 32.
[36] "O Tušino-Pšavo-Chevsurskom Okrugě," ZKO, III (1855), p. 113.
[37] *ibid.*
[38] Hahn, "Putešestvie v Kachetiju i Dagestan," SMOMPK, XXXI (1902), p. 60.

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Some time later, usually not over a month, the relatives of the groom are invited by the bride's family to dinner. One of the guests—we may still speak of wedding guests, for the wedding celebration is not yet over—calls out to the bride's father: "What will the father of our bride offer her?" On this occasion he must determine what portion of land he intends for his daughter. In Dargwa the minimum dowry is $^1/_8$ of a desyatnik, but he usually gives her other things as well, a cow, a buffalo and other cattle.[72]

The bride on her part presents the guests with some souvenirs—belts for male relatives and handkerchiefs for her female relatives.[73]

The formal marriage contract takes place according to the Mussulman rite before the mullah and witnesses.[74]

The Lesghian marriage usually does not take place immediately after the engagement but months and sometimes even years later.[75] The marriage season for maidens is autumn, whereas widows may marry at any time.[76]

Marriages of widows and widowers take place without solemnities of any kind.[77]

TABLE 15

Major Wedding Customs of Northern Caucasians Found Also Among the Southerners

Customs*	Tribe**	Source
Procession terminates in *groom's* house	Khevsurs	Eristov, *op. cit.*, p. 110.
	Pshavs	Dubrovin, I, ii, p. 310.
	Ingiloi	Fon-Plotto, op. cit., pp. 31—34.
Ceremonial bride capture	Khevsurs	Mourier, *Guide au Caucase*, I, p. 153; Nansen, *op. cit.*, pp. 57 f; Baddeley, *op. cit.*, I, p. 237.
Mother-in-law gives honey to bride (and groom)	Pshavs	S. I. Makalatija, "Iz starogo narodnogo byta pšavov," SE, 1938, No. 1, p. 105.
Walking thrice around hearth; best-man strikes chain with dagger	Khevsurs	Dubrovin, I, ii, p. 311.
	Pshavs	*ibid*; Eristov, *op. cit.*, p. 112; Makalatija, *op. cit.*, p. 106.
Proof of virginity	Ingiloi	Kovalevskij, *Zakon*, II, p. 174.
Formal (religious) contract	Khevsurs	Eristov, *op. cit.*, p. 110; Hahn, *Bilder aus dem Kaukasus*, p. 82.
	Tushi	Dubrovin, I, ii, p. 311.
	Pshavs	Byhan, *op. cit.*, p. 113.

[72] Kovalevskij, *Zakon*, II, p. 188. [73] *ibid.*

[74] Svečin, "Očerk narodonaselenija, nravov i obyčaev Dagestana," ZKO, II (1853), p. 64.

[75] L'vov, *op. cit.*, p. 22. [76] Amirov, *op. cit.*, p. 30.

[77] *ibid.*

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Chapter VIII

Dissolution of Marriage

§ 1. BY DEATH

Marriages of widows and widowers are looked upon by all Caucasians as inferior to nuptials between partners who have never been married before. For example, the bride price for a widow is smaller than that for a maiden,[1] except among the Nazranian Chechens and the Ingiloi of Sakataly; or again, the very marriage ceremonies are simplified when one of the partners happens to be a widow or widower.[2] The Pshavs[3] and the Khevsurs[4] consider a second marriage shameful if the widow has a child, especially, as is the case with the Khevsurs, a son. Our present problem is: Are there any indications in ancient customary law that at one time not even death could dissolve the marriage bond?

1. Suttee

The custom of committing suttee on the funeral pyre was very probably a relatively widespread custom in the Caucasus in ages past. The funeral rites of today still bear traces of widows being burnt together with their husbands' corpses.[5] Al-Mas'ûdî, in his "Golden Meadows and Mines of Precious Stones" (A.D. 943) mentions that the Khazars of Caucasus "burn the dead with their cattle, instruments, and ornaments. If the husband dies, the wife is burnt alive together with the corpse of her husband."[6] An example of what might be a survival of widow cremation is the now meaningless but constantly repeated wail of the Ossetine widow, "I'll kill myself and cast myself into the fire," mentioned by Gatiev in his "Beliefs and Prejudices of the Ossetes."[7] Another possible vestige of former suttee is the custom of burying a plait of the widow's hair together with the corpse of her husband. Herodotus expressly mentions (ch. v.) that the Scythian women were eager to be immolated on the grave of their husbands. The probable existence of widow cremation in the

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[1] Cf. *supra*, Table, p. 89.

[2] Cf. *supra*, p. 121.

[3] Makalatija, "Iz starogo narodnogo byta pšavov," SE, 1938, No. 1, p. 110.

[4] Eristov, *op. cit.*, p. 113.

[5] R. Bleichsteiner, "Rossweihe und Pferderennen im Totenkult der kaukasischen Völker," *Wiener Beiträge*, IV (1936), p. 414. "Daß in längst verflossenen Zeiten die Frau ihrem dahingegangenen Gatten als Opfer nachgesendet wurde, dafür gibt es im Totenritual der Kaukasusvölker eine Reihe beachtenswerter Anhaltspunkte."

[6] Translation from Abich, Klaproth, Beschreibung der russ. Provinzen, etc., p. 197.

[7] Gatiev, *op. cit.*, p. 3.

581 764 Caucasus clearly shows that the peoples of North Caucasia believed that a marriage tie could continue in the next world. However, since we do not have the slightest evidence that suttee was *obligatory*, the most we can say is that *perhaps*, at one time, death could not dissolve marriage.

2. Levirate

58 587 Once an Ossetine woman was married, she was considered bound to her husband forever unless divorced, as is evident from the following remarkable facts. (1) The widow was not allowed to marry outside her husband's family; the father or brother or son of the deceased man was obliged to take her to wife, but this second marriage was considered merely a *continuation* of the first. (2) The children of the second marriage were regarded as the sons and daughters of the *deceased*. (3) The children received the name of the deceased. (4) If the [589] widow had no brother-in-law, father-in-law or step-son, she had to remain unmarried, or live in concubinage, the children born becoming the sons and daughters of the deceased, even the legal heirs of the deceased. The marriage and concubinage had only one purpose: to "raise seed" and "build up the house" of the deceased till the wife would once again join him in the other world. These facts seem to be sufficient proof for the indissolubility of marriage even by death! Unfortunately, we do not have such details about the ancient levirate of the other peoples living in the Caucasus. However, when treating of preferential mating we did find obligatory levirate among the Ingushi and came to the conclusion that most probably the levirate was formerly obligatory also among the other mountain tribes.[8] In a word, it is quite *possible* that at one time death did not dissolve a marital bond.

§ 2. BY DIVORCE

586 The *adats* of all mountain peoples of Caucasus permit divorce. When speaking of divorce we must make a very clear distinction between the rights of the *husband* and those of the *wife*, between a *valid* divorce and a *justifiable* divorce.

[842] The NORTHWESTERN CAUCASIANS. According to reports of the eigtheenth century, a wife might be desmissed in Abkhazia if she were "sterile," that is, if she did not give birth to a child before she was 30, or if she remained childless for five successive years.[9] However, a *valid* divorce is possible at will. The Temirgoi, for example, may divorce their wives "if they do not please their husbands."[10] Such is the case throughout Abkhazia and among the Cherkess today.[11] Although formerly the women in Northwest Caucasus were at a very great disadvantage in regard to divorce, today, they too may abandon their husbands without any special legal grounds. However, in such arbitrary

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[8] Cf. *supra*, p. 73.
[9] Reineggs, *op. cit.*, Part II, p. 9.
[10] Vasil'kov, "Očerk byta Temirgoevcev," SMOMPK, XXIX (1901), p. 101.
[11] Cf. Ladvlenskij, FT, p. 199.

dissolutions of the marriage bond, the husband forfeits the *kalym*, while the wife, on her part, must return it to the man she unjustifiably abandons.[12] On the other hand, if the husband has sufficient grounds for a divorce, the *kalym* must be refunded; or if she justly abandons her husband, she need not return it. Legal grounds for a woman are impotency of the man for over a year and cruelty,[13] whereas a man (at least among the Temirgoi) may divorce his wife for disrespectfulness toward her parents- oder brothers-in-law or laziness.[14]

The wife never has a right to any special alimony. In case of divorce, she may take her personal property along, that is, personal gifts, and if the divorce was not justifiable, her *kalym*. She never receives additional support, except if she has a child less than a year old, in which case she is given, in addition, 10 *puds* of flour, 10 *puds* of millet, and not more than two sheep.[15]

The children always remain with the father. If one of the children is less than a year old, the mother may keep the child and nurse it till its second year, when it must, without delay, be returned to its father's family.[16] Since divorce is relatively frequent, in some Cherkess families we find children of two, three, or even more, different mothers.[17]

A Cherkess and Abkhazian divorcée is free to re-marry, provided the regulation regarding the *kalym* has been carried out.[18]

If the partners wish to reunite after a divorce, they can do so only if a marriage with another person and a subsequent divorce intervened. The intermediate marriage and divorce may have taken place only an hour before the re-union, it matters little. They are nevertheless indispensable. Of course, the "re-union" is more than a mere re-union; it is actually a second marriage between the same partners.[19] This practice evidently is of Islamic origin.

The NORTHEASTERN CAUCASIANS. The divorce regulations of the Chechens are much the same as those of the Abkhaz and Cherkess, but, owing to their greater isolation and slower acculturation, the divorce rights of the female partner have not reached the advantageous level of the Northwesterners.

In pre-Soviet times, a husband had far greater rights to dismiss his wife than a wife had to abandon her husband., A husband might validly divorce his wife at will, but his wife was not allowed to abandon her husband without first having received his consent.[20] Or again, as another *adat* has it: the infidelity of a wife is considered sufficient grounds for dismissal, but the infidelity

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[12] *ibid.*

[13] *ibid.*

[14] Vasil'kov, *l. c.*

[15] Ladyženskij, FT, p. 203.

[16] *ibid.*

[17] Vasil'kov, *op. cit.*, p. 102.

[18] Byhan, *La civilisation caucasienne*, p. 155.

[19] Ladyženskij, *op. cit.*, p. 199. This is a typically Islamic custom, cf. Koran, ii, 230. Cf. Juynboll, *op. cit.*, pp. 229—232; also, A. Gren, "Kratkoe izloženie šariata," *Terskij Sbornik*, III (1892), No. 2, Part 2, p. 16.

[20] Leontovič, II, p. 170, § 123; p. 175, § 160. "§ 123 ... žena na razvod prava ne imeet, bez soglasija muža. Mužu že dozvoljaetsja razvod vo vsjakoe vremja, ne sprasivaja soglasija ženy."

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It is very difficult to determine just what rights women enjoyed according to Georgian customary law. King Vakhtang's Code tells us that women had no right to abandon their husbands, except in case of cruelty,[34] and, we may add, sterility.[35] If she nevertheless runs away from her husband, the Code tells us, she may not marry another man unless she pay the full bloodwite corresponding to her husband's social rank,[36] a sum which she generally cannot afford.[37]

After a divorce the children remain with their father. The mother may take her suckling with her if her husband agrees and if she promises to return the child after it has been weaned.[38]

Formerly the OSSETINE women had no possibility of divorce at all, except, of course, in the Mohammedan parts of Ossetia.[39] Today her condition has somewhat improved.

But we do not wish to say that the wife had no protection against an unjust dismissal. An arbitrary divorce was indeed valid, but it involved a great economic loss for the husband. In such cases he would have to forfeit the *irad*, a third of which went to the divorcée. If he did have legal grounds for divorce, a third of the *kalym* would be refunded to him, or earlier still, a half of the *kalym* would be refunded in all cases of just divorce except in case of adultery, when the wife's family would have to return it entirely.[40]

In Ossetia the divorcée must return to her father's house or else re-marry, but remarriage is always difficult because such women are considered as "bad wives."[41] The children, as a general rule, remain with the father.[42] The main legal grounds for divorce are: infidelity, sterility, impotence, and certain physical defects and sicknesses of the wife.[43]

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[34] Karst ed., p. 109.

[35] Dareste, *Etude d'histoire du droit*, p. 133, cited by *A. H. Post, Grundriss der ethnol. Jurispr.*, II, p. 116.

[36] Karst ed., *l. c.* Cf. also Eristov, *op. cit.*, p. 113, *note*, who says that the average bloodwite was about Rs. 80 about an hundred years ago.

[37] Nansen, *op. cit.*, p. 58.

[38] Seidlitz, *op. cit.*, p. 336..

[39] Kovalevskij, *Coutume contemp.*, p. 174.

[40] Kovalevskij, *op. cit.*, p. 173. Klaproth, however, maintains that even in the case of unfaithfulness the husband received only half of the *kalym* because the husband was considered partly at fault for his wife's adultery, in so far as he did not watch over her conduct as closely as he should have. He had received her as a virgin, that is, the family of his wife had taken great pains in watching over her virtue till her wedding day. At marriage this obligation passed over to her husband (Klaproth, *Voyage au Mont Caucase et en Géorgie*, II, p. 250). However, this entire explanation seems to be somewhat artificial. We should not, I think, stress the culpability of the husband, as Klaproth does, but rather the effort of the family in preserving their daughter a virgin up to the time of her marriage, which deserves compensation. Moreover, the husband has derived not an insignificant economic profit from his wife up to the time of the divorce, whereas the family was deprived of it. This too deserves a compensation. This latter explanation is not far-fetched. The neighbouring Georgian mountain tribes have their *namaxvrali*, that is, the husband must pay the divorcée one cow for every year she has lived with him.

[41] Kovalevskij, *l. c.*

[42] Kovalevskij, *op. cit.*, p. 174.

[43] Kovalevskij, *op. cit.*, p. 173. See also Pčelina, "Rodil'nje obyčai u osetin," SE, 1937, No. 4, p. 88.